



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0018

Introduced , by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

ILCON Art. IV, Sec. 3

Proposes to amend the Legislature Article of the Illinois Constitution. Creates the Independent Redistricting Commission to adopt and file with the Secretary of State a redistricting plan for Legislature and Representative Districts. Provides for the selection of Commissioners and establishes the authority of a Special Commissioner to design a redistricting plan in the event that the Commission fails to properly adopt and file a redistricting plan.

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1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
4 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
5 SENATE CONCURRING HEREIN, that there shall be submitted to the
6 electors of the State for adoption or rejection at the general
7 election next occurring at least 6 months after the adoption of
8 this resolution a proposition to amend Section 3 of Article IV
9 of the Illinois Constitution as follows:

10 ARTICLE IV
11 THE LEGISLATURE

12 (ILCON Art. IV, Sec. 3)

13 SECTION 3. LEGISLATIVE REDISTRICTING

14 (a) The Independent Redistricting Commission shall adopt
15 and file with the Secretary of State a redistricting plan for
16 Legislative Districts and Representative Districts by June 30
17 of the year following each federal decennial census.
18 Legislative Districts shall be contiguous and substantially
19 equal in population. Representative Districts shall be
20 contiguous and substantially equal in population. The
21 redistricting plan shall comply with federal law. Subject to
22 the foregoing, the Commission shall apply the following
23 criteria: (1) the redistricting plan shall not dilute or

1 diminish the ability of a racial or language minority community
2 to elect the candidates of its choice, including when voting in
3 concert with other persons; (2) districts shall respect the
4 geographic integrity of units of local government; (3)
5 districts shall respect the geographic integrity of
6 communities sharing common social and economic interests,
7 which do not include relationships with political parties or
8 candidates for office; and (4) the redistricting plan shall not
9 either purposefully or significantly discriminate against or
10 favor any political party or group. In designing the
11 redistricting plan, the Commission shall consider party
12 registration and voting history data only to assess compliance
13 with the foregoing criteria, and shall not consider the
14 residence of any person. The Commission shall hold at least one
15 public hearing in each Judicial District before, and at least
16 one public hearing in each Judicial District after, releasing
17 the initial proposed redistricting plan. The Commission may not
18 adopt a final redistricting plan unless the plan to be adopted
19 without further amendment, and a report explaining its
20 compliance with this Constitution and the criteria applicable,
21 have been publicly noticed at least seven days before the final
22 vote on the plan. An adopted redistricting plan shall have the
23 force and effect of law and shall be published promptly by the
24 Secretary of State. The State Board of Elections shall provide
25 the Commission and the public with complete and accurate census
26 information and technology sufficient to propose redistricting

1 plans. The Commission shall adopt rules governing its procedure
2 and the implementation of this Section.

3 (b) The Commission shall act in public meetings by
4 affirmative vote of six Commissioners, except that approval of
5 any redistricting plan shall require the affirmative vote of at
6 least seven Commissioners, including at least (1) two
7 Commissioners from each political party whose candidate for
8 Governor received the most and second-most votes cast in the
9 last general election for Governor, and (2) two Commissioners
10 not affiliated with either such political party. The Commission
11 shall elect from its number a chairperson and vice chairperson,
12 who shall not be affiliated with the same political party. Six
13 Commissioners shall constitute a quorum. All meetings of the
14 Commission attended by at least four Commissioners, except for
15 meetings qualified under attorney-client privilege during
16 pending litigation, shall be open to the public and publicly
17 noticed at least two days prior to the meeting. All records of
18 the Commission, including communications between Commissioners
19 regarding the Commission's work, shall be open for public
20 inspection, except for records qualified under attorney-client
21 privilege. The Commission may retain assistance from counsel,
22 technical staff, and other persons with relevant skills and
23 shall be provided with adequate resources to complete its work.

24 (c) For the purpose of conducting the Commissioner
25 selection process, an Applicant Review Panel comprised of three
26 Reviewers shall be chosen in the following manner in the year

1 in which each federal decennial census occurs. Beginning no
2 later than January 1 and ending no later than March 1 of the
3 year in which the federal decennial census occurs, the Auditor
4 General shall request and accept applications of individuals
5 applying to serve as Reviewers. By March 31, the Auditor
6 General shall appoint a Panel of three Reviewers, selected by
7 random draw from eligible applicants. The Panel shall act in
8 public meetings by affirmative vote of at least two Reviewers.
9 All meetings of the Panel shall be open to the public and
10 publicly noticed at least two days before the meeting. All
11 records of the Panel, including applications to serve on the
12 Panel or the Commission, shall be open for public inspection,
13 except for private information about applicants for which there
14 is no compelling public interest in disclosure. The Panel may
15 retain assistance from counsel, technical staff, and other
16 persons with relevant skills and shall be provided with
17 adequate resources to complete its work.

18 (d) The 11-member Independent Redistricting Commission
19 shall be chosen in the following manner in the year in which
20 each federal decennial census occurs. Beginning no later than
21 January 1 and ending no later than March 1 of the year in which
22 the federal decennial census occurs, the Auditor General shall
23 request and accept applications to serve as Commissioners. By
24 May 31, the Applicant Review Panel shall select 100 eligible
25 applicants based on their relevant analytical skills,
26 impartiality, and ability to contribute to a fair redistricting

1 process, and shall ensure that such applicants reflect the
2 demographic and geographic diversity of the State. The Speaker
3 and Minority Leader of the House of Representatives and the
4 President and Minority Leader of the Senate each may remove up
5 to five of the applicants selected by the Panel. By June 30,
6 the Panel shall conduct a random drawing from the remaining
7 applicants in order to select seven Commissioners that
8 individually and collectively satisfy the following
9 requirements (with the random drawing to continue until seven
10 qualified Commissioners are selected): (1) the seven
11 Commissioners shall reside among the Judicial Districts in the
12 same proportion as the number of judges elected therefrom under
13 Section 3 of Article VI of this Constitution, (2) two
14 Commissioners shall be affiliated with the political party
15 whose candidate for Governor received the most votes cast in
16 the last general election for Governor, two Commissioners shall
17 be affiliated with the political party whose candidate for
18 Governor received the second-most votes cast in such election,
19 and the remaining three Commissioners shall not be affiliated
20 with either such political party, and (3) no more than two
21 Commissioners may be affiliated with the same political party.
22 The Speaker and Minority Leader of the House of Representatives
23 and the President and Minority Leader of the Senate each shall
24 appoint one Commissioner from among the remaining applicants on
25 the basis of the appointee's contribution to the demographic
26 and geographic diversity of the Commission.

1 (e) To be eligible to serve as a Reviewer, a person must
2 have education and experience in the examination and assessment
3 of personnel, records, systems, or procedures for 10 years
4 preceding his or her application, must have demonstrated
5 understanding of and adherence to standards of ethical conduct,
6 and must not have been affiliated with any political party
7 within the three years preceding appointment. To be eligible to
8 serve as a Commissioner, Special Commissioner for
9 Redistricting, or Reviewer, a person must (1) be a resident and
10 registered voter of the State for the four years preceding
11 appointment, (2) within the three years preceding appointment,
12 must not have been the holder of, or a candidate for, any
13 public office in the State, an employee or officer of the State
14 or a unit of local government or a political party, registered
15 as a lobbyist anywhere in the United States, or party to a
16 contract to provide goods or services to the State or a
17 principal, officer, or executive employee of such a contractor,
18 and (3) within the three years preceding appointment, must not
19 have resided with any person described in clause (2) of this
20 subsection. For 10 years after service as a Commissioner or
21 Special Commissioner, a person is ineligible to serve as a
22 Senator, Representative, officer of the Executive Branch,
23 judge, or associate judge of the State or an officer or
24 employee of the State whose appointment is subject to
25 confirmation by the Senate. A vacancy on the Commission or
26 Panel shall be filled within five days by an eligible applicant

1 in the manner in which the office was previously filled; with
2 respect to the Commission, the replacement Commissioner shall
3 be drawn where possible from the remaining applicants
4 previously selected by the Panel.

5 (f) If the Commission fails to adopt and file with the
6 Secretary of State a redistricting plan by June 30 of the year
7 following a federal decennial census, the Chief Justice of the
8 Supreme Court and the most senior justice of the Supreme Court
9 who is not affiliated with the same political party as the
10 Chief Justice shall appoint jointly by July 31 a Special
11 Commissioner for Redistricting. The Special Commissioner shall
12 design and file with the Secretary of State by August 31 a
13 redistricting plan satisfying the requirements and criteria
14 set forth in subsection (a) and a report explaining its
15 compliance with this Constitution and the criteria applicable.
16 The Special Commissioner shall hold at least one public hearing
17 in the State before releasing his or her initial proposed
18 redistricting plan and at least one public hearing in a
19 different location in the State after releasing his or her
20 initial proposed redistricting plan and before filing the final
21 redistricting plan with the Secretary of State. The
22 redistricting plan shall have the force and effect of law and
23 shall be published promptly by the Secretary of State.

24 (g) The Supreme Court shall have original jurisdiction in
25 cases relating to matters under this Section. The Commission
26 shall have exclusive authority and shall be provided by the

1 General Assembly adequate resources to defend any
2 redistricting plan adopted by the Commission.

3 ~~(a) Legislative Districts shall be compact, contiguous and~~
4 ~~substantially equal in population. Representative Districts~~
5 ~~shall be compact, contiguous, and substantially equal in~~
6 ~~population.~~

7 ~~(b) In the year following each Federal decennial census~~
8 ~~year, the General Assembly by law shall redistrict the~~
9 ~~Legislative Districts and the Representative Districts.~~

10 ~~If no redistricting plan becomes effective by June 30 of~~
11 ~~that year, a Legislative Redistricting Commission shall be~~
12 ~~constituted not later than July 10. The Commission shall~~
13 ~~consist of eight members, no more than four of whom shall be~~
14 ~~members of the same political party.~~

15 ~~The Speaker and Minority Leader of the House of~~
16 ~~Representatives shall each appoint to the Commission one~~
17 ~~Representative and one person who is not a member of the~~
18 ~~General Assembly. The President and Minority Leader of the~~
19 ~~Senate shall each appoint to the Commission one Senator and one~~
20 ~~person who is not a member of the General Assembly.~~

21 ~~The members shall be certified to the Secretary of State by~~
22 ~~the appointing authorities. A vacancy on the Commission shall~~
23 ~~be filled within five days by the authority that made the~~
24 ~~original appointment. A Chairman and Vice Chairman shall be~~
25 ~~chosen by a majority of all members of the Commission.~~

26 ~~Not later than August 10, the Commission shall file with~~

1 ~~the Secretary of State a redistricting plan approved by at~~
2 ~~least five members.~~

3 ~~If the Commission fails to file an approved redistricting~~
4 ~~plan, the Supreme Court shall submit the names of two persons,~~
5 ~~not of the same political party, to the Secretary of State not~~
6 ~~later than September 1.~~

7 ~~Not later than September 5, the Secretary of State publicly~~
8 ~~shall draw by random selection the name of one of the two~~
9 ~~persons to serve as the ninth member of the Commission.~~

10 ~~Not later than October 5, the Commission shall file with~~
11 ~~the Secretary of State a redistricting plan approved by at~~
12 ~~least five members.~~

13 ~~An approved redistricting plan filed with the Secretary of~~
14 ~~State shall be presumed valid, shall have the force and effect~~
15 ~~of law and shall be published promptly by the Secretary of~~
16 ~~State.~~

17 ~~The Supreme Court shall have original and exclusive~~
18 ~~jurisdiction over actions concerning redistricting the House~~
19 ~~and Senate, which shall be initiated in the name of the People~~
20 ~~of the State by the Attorney General.~~

21 (Source: Amendment adopted at general election November 4,
22 1980.)

23 SCHEDULE

24 This Constitutional Amendment takes effect upon being
25 declared adopted in accordance with Section 7 of the Illinois

1 Constitutional Amendment Act.